IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 337 of 2006

Mrs.Ranjana Babanrao Unde .. Petitioner

versus

The President/Secretary Ghatkopar

Shikshan Prasarak Mandal & ors .. Respondents

...

Ms.Ushajeedevi i/b Mihir Desai for the petitioner.

Ms.Y.S. Jagdale for respondent nos.1 and 2.

Mr.P.S. Cardozo G.P. for respondent nos.3 and 4.

CORAM : D.G. KARNIK, J

DATED : 14th December 2006

P.C.:

1. Heard learned counsel for the petitioner.

2. This Contempt Petition has been filed alleging breach of the order dated 17th March 2005 passed by the

School Tribunal, Mumbai.

3. By the order dated 17th March 2005, the School Tribunal set aside the order of termination of the petitioner and directed respondent nos.1 and 2 to reinstate the petitioner in the original post of an Assistant Teacher with continuity of service and back wages. Learned counsel for the petitioner concedes that order has been partly complied with and petitioner has been reinstated in service. She however submits that back wages are not paid for and that amounts to contempt.

4. Petitioner can avail of alternate remedy by way of execution of the order for payment of the back wages. This Court has already taken a view that exercise of a contempt jurisdiction for breach of the order of the School Tribunal is discretionary as the employee has a remedy under section 13 of the MEPS Act. In the circumstances, I decline to exercise the contempt jurisdiction relating to the recovery of money and relegate the petitioner to remedies under the MEPS Act.

5. Contempt Petition is accordingly dismissed.

(D.G. KARNIK, J)